

EXECUTIVE OFFICER SUMMARY REPORT
September 11, 2002

ITEM: 6

SUBJECT: Public Hearing: Proposed Consent Decree establishing a deadline for the International Boundary and Water Commission, United States Section to select, and initiate implementation of, a strategy to provide secondary treatment for wastewater from the International Wastewater Treatment Plant (IWTP), San Diego County. The proposed Consent Decree, if approved, would be entered as settlement of litigation brought to enforce requirements of the federal Clean Water Act and orders of the Regional Board in *People of the State of California, Ex Rel. California Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Commissioner of the International Boundary and Water Commission, United States Section, et al....*, United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS). (David Hanson)

PURPOSE: The purpose of this item is to provide the opportunity for the public to comment on the proposed consent decree. Following the hearing, the Regional Board will hold a closed session on the advice of its Counsel to deliberate about the proposed consent decree and any comments received. The Regional Board will decide in the closed session whether or not to approve the proposed Consent Decree and ask the Court to enter it in settlement of the litigation.

PUBLIC NOTICE: A notice of the lodging of the proposed consent decree was published in the San Diego Union-Tribune on July 17, 2002 and a copy of the notice was mailed to all known interested parties including those on the agenda mailing list. A second notice extending the written comment period to September 4, 2002 and providing notice of the August 14, 2002 informational workshop and this hearing was published in the San Diego Union Tribune and mailed on August 5, 2002.

A separate notice by the U.S. Dept. of Justice (USDOJ) for the International Boundary and Water Commission, United States Section (USIBWC), was published in the Federal Register on August 1, 2002. According to the notice, the USDOJ will receive

written comments on the proposed consent decree for a period of 30 days from the date of publication of the notice.

DISCUSSION:

On July 12, 2002, the proposed consent decree was lodged with the United States District Court, Southern District of California. The Regional Board will provide all written and oral comments received on the proposed consent decree to the Court. A transcript of the oral comments received at the August 14, 2002 informational workshop is attached. No written comments have been received as of August 28, 2002. Copies of written comments received will be provided in the supplemental mailing on September 6, 2002.

After consideration of the comments, the Regional Board and USIBWC will decide whether to withdraw or withhold their consent or request the Court to enter the decree. If the decree is entered, the Regional Board will then proceed with renewal of the NPDES permit for the IWTP along with reissuance of a cease and desist order containing the agreed upon compliance dates for meeting secondary treatment standards.

LEGAL CONCERNS:

Any legal issues will be discussed in closed session.

**SUPPORTING
DOCUMENTS:**

1. Public notice published in San Diego Union-Tribune and mailed to interested parties and agenda mailing list on August 5, 2002
2. Federal Register Notice published on August 1, 2002
3. Article on the proposed consent decree published in San Diego Union-Tribune on August 16, 2002
4. Transcript of comments received during informational workshop on August 14, 2002
5. Written comments (to be provided in supplemental mailing on September 6, 2002)

RECOMMENDATION:

None